

The canned tuna was alleged to be adulterated in that it consisted in part of a decomposed and putrid animal substance.

The canned mackerel was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On June 15, 1936, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$500.

W. R. GREGG, *Acting Secretary of Agriculture.*

25855. Adulteration and misbranding of mustard. U. S. v. Mid-West Food Packers, Inc., and Robert J. Meguiar. Pleas of guilty. Company fined \$100 and costs. Individual defendant fined \$100. (F. & D. no. 33914. Sample nos. 39326-A, 39331-A, 50768-A, 50769-A, 58285-A, 58286-A, 63789-A, 68601-A, 68662-A, 68664-A to 68668-A, incl., 68683-A, 68684-A, 68801-A, 68803-A, 68970-A to 68973-A, incl.)

These products contained undeclared mustard bran and the labels on the cans of two of them bore erroneous statements regarding the weight of the contents of the cans.

On March 5, 1935, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mid-West Food Packers, Inc., and Robert J. Meguiar, Fowlerton, Ind., alleging shipments by them in violation of the Food and Drugs Act as amended, in the period from May 29, 1933, to February 7, 1934, from Fowlerton, Ind., to places in Alabama, Arkansas, Kansas, Pennsylvania, Rhode Island, and South Carolina of quantities of a product, purporting to be mustard, which was adulterated and misbranded. The product was variously labeled in part: (Jar) "Mid-West Brand Pure Prepared Mustard Contents 2 Lbs. Made By Midwest Food Packers, Inc. Fowlerton, Ind."; (jar) "Golden Sun Brand Pure Prepared Mustard"; (jar) "Rocky Point Brand Prepared Mustard Net Contents 1 Lb. Packed For Rhode Island Wholesale Grocery Co. Providence, R. I."; (jar) "Trump Pure Prepared Mustard Contents 1 lb. Packed for Eastern Whol. Groc. Co. Providence, R. I."

Adulteration of the four brands of mustard was charged, with respect to each of the brands, under the allegation that mustard bran had been substituted in part for prepared mustard.

Misbranding of the four brands of mustard was charged with respect to each of the brands, (a) under the allegations that the label on the jars bore the statement "Prepared Mustard", that the article was a product that contained added and undeclared mustard bran, and that the statement aforesaid was false and misleading; (b) under the allegation that the said statement was borne on the label on the jars so as to deceive and mislead the purchaser; (c) under the allegation that the article was sold under the distinctive name of another article, namely, prepared mustard.

Misbranding of the Mid-West Brand Pure Prepared Mustard was further charged (a) under the allegations that the labels of some of the jars bore the statement "Contents 1 lb.", and that the labels of other jars bore the statement "Contents 2 lbs.", that the jars contained less than 1 pound and 2 pounds, respectively, and that each of the said statements was false and misleading; (b) under the allegation that each of the aforesaid statements was borne on the jar so as to deceive and mislead the purchaser; (c) under the allegation that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages in terms of weight.

Misbranding of the Golden Sun Brand Pure Prepared Mustard was further charged (a) under the allegation that the label of the jars bore the statement "Contents 2 lbs.", that the jars contained less than 2 pounds, and that the said statement was false and misleading; (b) under the allegation that the statement was borne on the jars so as to deceive and mislead the purchaser; (c) under the allegation that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages in terms of weight.

On January 13, 1936, pleas of guilty having been entered, the defendant company was fined \$100 and costs, and the individual defendant was fined \$100.

W. R. GREGG, *Acting Secretary of Agriculture.*